(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO.456 /1999.

(PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA)

PETITIONER: RAJKUMAR COLLEGE SOCIETY,
A Society registered under the provisions of Societies Registrikaran Adhiniyam, 1973, Raipur (M.P.).

//Versus//

RESPONDENTS:

1. State of Madhya Pradesh, through-The Secretary, Commerce & Industries Department, Vallabh Bhawan, BHOPAL (MP).
2. The Registrar, Firms and Societies, Old Secretariate, BHOPAL (MP).
3. Assistant Registrar, Firms and Societies, Near Chhattisgarh College, Byron Bazar, Raipur (M.P.).
4. Mr. R.R. Rajbhanu, Cooperative Inspector, O/o Deputy Registrar, Cooperative Societies, Byron Bazar, Raipur (M.P.).

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.NO. 456/99 सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02/07/2004

Shri B.P. Sharma, counsel for the petitioner.

Shri N.K. Agarwal, Deputy Advocate General for respondents no. 1, 2 and 3/State.

Smt. Hamida Siddiqui, counsel for Intervener-Raja Surendra Bahadur Singh.

Petitioner herein has filed I.A.No.2976/2004 for withdrawal of this writ petition.

I.A.No.4054/2004, application for intervention has been filed by one Raja Surendra Bahadur Singh.

I have heard learned counsel for the parties.

This application (I.A.No.2976/2004) has been filed on behalf of the petitioner on the ground that during the pendency of the aforesaid writ petition the term of the Governing Body to be elected had already expired on 02/02/2004 and the General Body of the petitioner has already elected a new Governing Body consisting of General Council and Managing Committee for a fresh term of five years in an extraordinary General Meeting of all the members held on 07/05/2004 strictly in conformity with its constitution without interference of any kind by any of the respondents.

Learned counsel for the petitioner submits that in this petition mainly the orders dated 16/10/1998 and 17/12/1998 were challenged and those orders stand withdrawn by the Registrar, Firms and Societies/respondent no.2 by his order dated

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14/06/2004. Therefore, now no cause of action survives and he may be allowed to withdraw the petition.

On the other hand, learned counsel for the intervener – Raja Surendra Bahadur Singh, argued that the intervener has been allowed as President and more-over, one Civil Suit has been filed against election of the new Governing Body which is still pending before the Civil Court. She further argued that the petitioner has filed the writ petition on behalf of the Society, therefore, he is not entitled for withdrawal of the writ petition.

Learned counsel for the petitioner submitted that G.N. Mallick has filed the writ petition in the capacity of the administrator of the Society and he is still continuing in the same position, therefore, he wants to withdraw this writ petition.

Having heard learned counsel for the parties, having regard to facts and circumstances of the case, having regard to the fact that in relief clause the petitioner has mainly challenged the orders dated 16/10/1998 and 17/12/1998 and the same stand withdrawn by the Registrar by his order dated 14/06/2004. More over so far no application for intervention has been allowed. The intervener is not a party in the matter and since the petitioner wants to withdraw this petition, the writ petition is dismissed as withdrawn. However, if the intervener has any grievance, he can pursue the remedy whatever available him under the law.

Sd/-
L.C. Bhadoo
Judge